IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 2149 of 2005**

Between:

1 T. Ravi Kumar, S/o. Nageswara Rao,
Krishna-lanka, Vijayawada.
2 N. Sobha Mani Kanth, S/o. Venkata Subrahmaneswara Rao,
Kanuru, Vijayawada.
3 M. Ramakrishna, S/o. Pandurangarao,
Mangalagiri, Guntur District.

**..... PETITIONERS**

AND

1 The Revenue Divisional Officer, Land Acquisition Officer, Vijayawada.
2 The Managing Director A.P.I.I.D.C., Parisharamabhavan, Hyderabad.
3 The Zonal Manager, A.P.I.I.D.C., Vijayawada.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not issuing pass books pertains to lands Ac. 8.37 1/2 cents situated in survey Nos. 61 and 63 of Kanuru Village, Vijayawada and not mutating the same in the Revenue records as illegal, arbitrary and unjustified and consequentially direct the respondent to issue and pass books basing on the title deeds and mutate the names of the petitioners in the Revenue records forthwith and to pass such other order or orders Hyderabad.

**Counsel for the Petitioner : MR. M.L.ALI**

**Counsel for the Respondents : GP FOR REVENUE**

**The Court made the following :**

**THE HONL'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.2149 OF 2005**

**ORAL ORDER :**

The petitioners claim to be the owners and possessors of the land situated in Sy.Nos.61 & 63 in Kanur village having purchased the same under Registered Sale Deeds in the year 2000.

The petitioners state that the land admeasuring Ac.152-80 cents of land situated in Sy.Nos.60, 61, 63, 62, 65, 66, 71, 72, 75, 76, 77, 78, 79, 80, 81, 82, 83 etc., in Kanur Village, Vijayawada was proposed to be acquired under a Notification dated 11-05-1995 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act'). Thereafter, a consent award was passed on 23-05-1996. The petitioners state that their lands were not covered by the said notification since the same were earmarked as residential zone and as a matter of fact the names of either the petitioners or their vendors were not shown in the award. Even from the certificate issued by the respondents dated 25-06-1995, it is clear that their lands situated in Sy.Nos.61 and 63 come under the residential zone as per the Master Plan. That apart, when the petitioners approached the respondents requesting for

issuance of a Land-Use Certificate, vide proceedings dated 20-01-2005 the petitioners were required to pay a sum of Rs.5,39,530/- towards conversion charges which makes it clear that their land does not form part of acquisition proceedings. Thereafter, the petitioners approached the first respondent and made a representation dated 22-01-2005 for issuance of the pass books by mutating their names in the Revenue Records. They have also enclosed the xerox copies of the Registered Sale Deeds in their favour and other relevant documents. Though they were told that as per the Revenue Records, the names of the vendors of the petitioners were not mentioned in the Award dated 23-05-1996, the petitioners came to know that the notices under Sections 9(1) and 10 of the Act have been issued in respect of the land in their occupation as well. In the circumstances, the petitioners made a representation before the third respondent on 29-01-2005 seeking certain clarifications so as to ascertain whether their names were incorporated in the Award No.14/96, dated 23-05-1996. However, the respondents have not taken any further steps on the basis of the said representation and the clarifications as sought by the petitioners have not been furnished so far. Aggrieved by the inaction on the part of the respondents 2 and 3, this writ petition is filed.

Having regard to the facts and circumstances of the case, I am of the view that the respondents 2 and 3 ought to have considered the request made by the petitioners and on the basis of the material available on record ought to have furnished the clarifications required by the petitioners in their representation dated 29-01-2005. In the circumstances, without expressing any opinion on merits, the Writ Petition is disposed of with a direction to the respondents 2 and 3 to consider the request of the petitioners in their representation dated 29-01-2005 and to pass necessary orders as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

11th February, 2005.

Note:- CC in one week.

(B/O)

gbs

To

1 The Revenue Divisional Officer, Land Acquisition Officer, Vijayawada.
2 The Managing Director A.P.I.I.D.C., Parisharamabhavan, Hyderabad.
3 The Zonal Manager, A.P.I.I.D.C., Vijayawada.

**4. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).**

5.2 CD copies